

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HUI LIAN KE,
Petitioner,
v.
TIM DAVIS,
Respondent.

Case No. [17-cv-04826-VC](#) (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

Petitioner Hui Lian Ke filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. In an April 6, 2018 Order, the Court found the claims in Ke's petition to be unexhausted. The Court allowed Ke to either: (1) dismiss her habeas claims and return to state court to exhaust them before returning to federal court to present her newly exhausted claims in a new petition; or (2) move for a stay of the present petition while she exhausted her state court remedies for the unexhausted claims.

The Court gave Ke twenty-eight (28) days from the April 6, 2018 Order, to choose one of the two options. The Court stated that if Ke did not choose one of the two options or file a motion within the 28-day time frame, the Court would assume she chose Option (1) and the action would be dismissed without prejudice to Ke filing a new petition with only exhausted claims.

More than 28 days have passed and Ke has not filed a motion or any document with the Court. Accordingly, the petition is dismissed without prejudice.

IT IS SO ORDERED.

Dated: June 28, 2018



VINCE CHHABRIA
United States District Judge